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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/707,975	11/08/2000	Peter Paul Frans Reusens	Q61361	1060
7590 03/08/2005 Sughrue Mion Zinn MacPeak & Seas PLLC 2100 Pennsylvania Avenue N W Washington, DC 20037-3213			EXAMINER SWERDLOW, DANIEL	
			ART UNIT 2644	PAPER NUMBER

DATE MAILED: 03/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/707,975

Applicant(s)

REUSENS, PETER PAUL FRANS

Examiner

Daniel Swerdlow

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 December 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-7,9-16 and 18-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 18-28 is/are allowed.
- 6) ☒ Claim(s) 2-6,9-13 and 16 is/are rejected.
- 7) ☒ Claim(s) 7,14 and 15 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 7 October 2004 has been entered.

Claim Rejections - 35 USC § 103

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

3. Claims 2, 4 through 6, 9 and 11 through 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Amrany et al. (US Patent 6,144,733) in view of Freimanis (US Patent 4,042,786).

4. Regarding Claim 5, Amrany discloses a telephone system (Fig. 3) that includes telephone service and DSL service (i.e., wherein analog telephone signals are frequency multiplexed with digital data signals for transmission over a line) and where ringing signals are filtered by a low pass filter with a cutoff frequency of 20 Hz. (Fig. 3, reference 50, 162: column 5, lines 10-12) (i.e., wherein an incoming telephone call is announced by a ringing indication signal comprising a spectrum that lacks detectable components in a frequency band that is used for digital data signals at a time when the ringing indication signal announces an incoming telephone call). Therefore, Amrany anticipates all elements of Claim 5 except the ringing indication signal

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having a voltage amplitude less than 30 V RMS. Freimanis discloses use of an audio tone alerting (i.e., ringing indication) signal in the same voltage range as voice signals (column 1, lines 18-21) which applicant admits have a voltage amplitude less than 1 V RMS (p. 1, lines 30-32). It would have been obvious to one skilled in the art at the time of the invention to apply tone alerting as taught by Freimanis to the telephone system taught by Amrany for the purpose of avoiding the danger and potential damage due to high voltage signals.

5. Regarding Claim 2, as shown above apropos of Claim 5, the combination of Amrany and Freimanis makes obvious the audio tone alerting (i.e., ringing indication) signal having a voltage amplitude less than 20 V RMS.

6. Regarding Claim 4, the combination of Amrany and Freimanis does not disclose expressly the ringing indication signal having a voltage amplitude higher than 10 V RMS. At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to utilize a ringing indication signal having a voltage amplitude higher than 10 V RMS.

Applicant has not disclosed that a ringing indication signal having a voltage amplitude higher than 10 V RMS provides an advantage, is used for a particular purpose, or solves a stated problem. One of ordinary skill in the art, furthermore, would have expected applicant's invention to perform equally well with a voltage amplitude in the range of several volts because this is within the normal amplitude of telephone line signals. Therefore, it would have been obvious to one of ordinary skill in the art to modify the combination of Amrany and Freimanis to obtain the invention as specified in Claim 4.

7. Regarding Claim 6, as stated above apropos of Claim 5, the combination of Amrany discloses low pass filtering ringing signals with a cutoff frequency of 20 Hz. (i.e., the ringing

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indication signal has a frequency lower than the frequency of analog telephone signals.) (Fig. 3, reference 50, 162: column 5, lines 10-12).

8. Claim 12 is essentially similar to Claim 5 and is rejected on the same grounds.

9. Claim 9 is essentially similar to Claim 2 and is rejected on the same grounds.

10. Claim 11 is essentially similar to Claim 4 and is rejected on the same grounds.

11. Claim 13 is essentially similar to Claim 6 and is rejected on the same grounds.

12. Claims 3 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Amrany in view of Freimanis and further in view of Malerba et al. (US Patent 4,189,626).

13. Regarding Claim 3, as shown above apropos of Claim 5, the combination of Amrany and Freimanis makes obvious all elements except the ringing indication signal having a voltage amplitude higher than 1 V RMS. Malerba discloses a call (i.e., ringing indication) signal in the range of several volts (column 5, lines 40-43). It would have been obvious to one skilled in the art at the time of the invention to apply a call signal in the range of several volts as taught by Malerba to the combination of Amrany and Freimanis for the purpose of utilizing the combination in a telephone system that employed such a call signal.

14. Claim 10 is essentially similar to Claim 3 and is rejected on the same grounds.

15. Claims 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Amrany in view of Freimanis and further in view of Russell et al. (US Patent 5,757,803).

16. Regarding Claim 16, as shown above apropos of Claim 5, the combination of Amrany and Freimanis makes obvious all elements of that claim. In addition, Amrany discloses a low

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order POTS filter (Fig. 3, reference 144; column 5, lines 41-46) that corresponds to the low pass filter claimed (column 4, lines 60-64). Russell discloses use of a 1st order high pass filter in a DSL splitter (column 4, lines 34-36). It would have been obvious to one skilled in the art at the time of the invention to apply a low order high pass filter as taught by Russell to the combination of Amrany and Freimanis for the purpose of attenuating POTS signaling voltages.

Response to Arguments

17. Applicant's arguments, filed 13 December 2004, with respect to Claims 18 through 23 and 25 through 27 have been fully considered and are persuasive. The rejection of these claims has been withdrawn.

18. Applicant's arguments with respect to the remaining claims have been considered but are moot in view of the new ground(s) of rejection.

Allowable Subject Matter

19. Claims 7, 14 and 15 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

20. The following is a statement of reasons for the indication of allowable subject matter:

21. Regarding Claim 7, as shown above apropos of Claims 5 and 6, the prior art makes obvious low-voltage ringing signals with frequencies in and below the voice band. Further in the case of telephone carrier systems, as illustrated by, for example, by US Patent 4,197,433 to Bronner, alerting signals are known to be conveyed at frequencies above the voice band.

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However, the use of a single frequency out of a set of data carriers for conveying an alerting signal is neither anticipated nor made obvious by the prior art. As such, Claim 7 is allowable matter.

22. Claim 14 is allowable for the same reasons as Claim 7.

23. Regarding Claim 15, as shown above apropos of Claim 5, the prior art makes obvious a terminal that responds to either high amplitude or low amplitude alerting signals. However, the selection of an alerting signal amplitude based on data activity is neither anticipated nor made obvious by the prior art. As such, Claim 15 is allowable matter.

24. Claims 18 through 28 are allowed.

25. The following is an examiner's statement of reasons for allowance:

26. Regarding Claim 22, Amrany discloses line card circuitry (Fig. 3) that transmits and receives standard telephone service DSL data signals (i.e., multiplexed analog telephone signals and digital data signals) over a local loop (Fig. 3, reference 24) that corresponds to the line port claimed. Amrany further discloses a POTS filter (Fig. 3, reference 144) that corresponds to the multiplexing and demultiplexing means claimed. Amrany further discloses a connection between the POTS filter and standard telephone switching equipment that corresponds to the telephone port claimed and a ring generating source (Fig. 3, reference 50) that corresponds to the ringing signal generation means claimed that generates a ringing signal to be applied to the telephone line under control of an output switch controller circuit that corresponds to the ringing indication signal claimed where ringing signals are filtered by a low pass filter with a cutoff frequency of 20 Hz. (Fig. 3, reference 50, 162: column 5, lines 10-12) (i.e., wherein an incoming

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telephone call is announced by a ringing indication signal comprising a spectrum that lacks detectable components in a frequency band that is used for digital data signals at a time when the ringing indication signal announces an incoming telephone call). Freimanis discloses use of an audio tone alerting (i.e., ringing indication) signal in the same voltage range as voice signals (column 1, lines 18-21) which applicant admits have a voltage amplitude less than 1 V RMS (i.e., less than 30 V RMS) (p. 1, lines 30-32). However, Amrany fails to disclose the ringing indication signal being received over the line port. Because the prior art neither anticipates nor makes obvious the ringing indication signal being received over the line port, the claim is allowable.

27. Claims 18 through 21 and 23 through 27 are allowable due to dependence from Claim 22.

28. Claim 28 contains limitations similar to those that render Claim 15 allowable matter and is allowable for reasons indicated above apropos of that claim.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel Swerdlow whose telephone number is 703-305-4088. The examiner can normally be reached on Monday through Friday between 8:00 AM and 4:30 PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sinh H. Tran can be reached on 703-305-4040. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Daniel Swerdlow
Examiner
Art Unit 2644

ds
3 March 2005